

REMARKS

By this amendment, claims 1, 22-24, and 43 have been amended. Claims 1, 4, 22-24, and 43 are pending in the application. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

The title and claims 1, 22-24, and 43 have been amended to correct grammatical and typographical errors unrelated to any rejection in the Office Action, and should not require further consideration or search. No new matter has been added.

Claims 1, 4, 22-24, and 43 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ito et al. (US 6,160,778). This rejection is respectfully traversed. Applicants note that the rejection in the March 9, 2010, Office Action simply responded to Applicants' prior arguments, but did not state or incorporate any specific rejection for each of the claimed features. Accordingly, Applicants respectfully submit that the Office Action fails to establish a *prima facie* case of anticipation. However, in the interest of furthering prosecution, Applicants present an argument based on the rejection presented in the August 31, 2009, Office Action.

Claim 1 recites a write-once disc comprising, *inter alia*, "at least one temporary defect management area in which temporary management information including temporary defect information and temporary defect management information are recorded" (emphasis added). Claims 22 and 43 recite similar features. Applicants respectfully submit that Ito et al. does not disclose at least these features.

To the contrary, Ito et al. discloses that the “disk 1 is a rewritable information recording medium.” Col. 9, ln. 15. One skilled in the art would understand that a rewritable disc does not require temporary defect management areas. In fact, the defective sector 22b that is cited in the Office Action as allegedly disclosing the claimed “temporary defect management area” and “temporary defect management information” is permanently stored information, and is still recorded and available when the disc is read. *See* col. 20, ln. 36-41. Applicants respectfully submit that Ito et al. does not disclose, teach, or suggest at least recites a write-once disc comprising a temporary defect management area in which temporary management information including temporary defect information and temporary defect management information are recorded, as recited in claims 1, 22, and 43.

The Office Action appears to be confused with temporary defect information and a location in which the temporary defect information is recorded. The “location information of a defective area and location information of a replacement area” indicated by the Office Action, corresponds, at most, to “the temporary defect information comprising position information of a defect area and position information of a replacement area for replacing the defect area” of the claimed invention.

The Office Action never indicates which elements of Ito et al. correspond to the “location information regarding an area in which the temporary management information is recorded, the temporary management information comprising temporary defect information and temporary defect management information comprising a pointer indicating an area in which the temporary defect information is recorded.”

Ito et al. fails to teach temporary defect management information comprising a pointer indicating an area in which the temporary defect information is recorded. Further, Ito et al. fails to teach the temporary management information comprising temporary defect information and temporary defect management information. Furthermore, Ito et al. fails to teach the location information regarding an area in which the temporary management information is recorded.

Since Ito et al. does not disclose all of the features of claims 1, 22, and 43, claims 1, 22, and 43 are not anticipated by Ito et al. Claims 4 and 23-24 depend, respectively, from independent claims 1 and 22, and are patentable at least for the reasons mentioned above, and on their own merits. Applicants respectfully request that the 35 U.S.C. § 102(b) rejection of claims 1, 4, 22-24, and 43 be withdrawn and the claims allowed.

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Respectfully submitted,

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